

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL INDIG, LEAH INDIG, ROBERT KLEIN,
and NAFTALI KLEIN,

Plaintiffs,

—against—

THE VILLAGE OF POMONA, BRETT YAGEL,
LOUIS ZUMMO, and LEON HARRIS,

Defendants.
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ORDER

18 Civ. 10204 (JCM)

Trial is scheduled to begin on March 10, 2025. (Docket No. 283). Defendants filed joint motions *in limine* to preclude Plaintiffs from introducing certain evidence at trial, (Docket No. 299), which Plaintiffs opposed (the “Opposition”), (Docket No. 304). The motions are currently *sub judice*. In one motion, Defendants seek to preclude Plaintiffs from introducing evidence related to seven other cases,¹ asserting that the cases are irrelevant and any reference to them “would be unduly prejudicial to Defendants and cause juror confusion.” (Docket No. 299 at 12). In their Opposition, Plaintiffs explained the relevance of five of these cases, but failed to respond to Defendants’ arguments concerning two of these cases: (1) *Stern v. Yeshiva Tiferet Torah, et al.*, Index No. 031123/2024 (Sup. Ct. Rockland Cnty.); and (2) *H.O.M.E. v. Village of Airmont, New York, et al.*, Index No. 033618/2020 (Sup. Ct. Rockland Cnty.). It is unclear how Plaintiffs


¹ The seven cases are: *Congregation Rabbinical College of Tartikov, Inc. v. Village of Pomona*, Case No. 07-CV-6304 (KMK) (S.D.N.Y.); *U.S. v. Village of Airmont*, Case No. 20-CV10121 (NSR) (S.D.N.Y.); *Noreen Shea v. Brett Yagel, Village of Pomona*, Case No. 18-CV-11170 (CS) (S.D.N.Y.); *K’Hal Bnei Torah of Mount Ivy v. Town of Haverstraw, et al.*, Case No. 22-CV09630 (CS) (S.D.N.Y.); *Stern v. Yeshiva Tiferet Torah, et al.*, Index No. 031123/2024 (Sup. Ct. Rockland Cnty.); *H.O.M.E. v. Village of Airmont, New York, et al.*, Index No. 033618/2020 (Sup. Ct. Rockland Cnty.); and *People of the State of New York v. Fuerst & Fuerst Real Estate*, Case No. 16050220 (Justice Court, Town of Haverstraw).

intend to use these two cases at trial, so the Court cannot decide this issue without further briefing.

Accordingly, by January 24, 2025, Plaintiffs are directed to supplement their Opposition to include a response to Defendants' arguments regarding *Stern* and *H.O.M.E.*, and indicate how Plaintiffs intend to use these cases at trial. Failure to do so may result in preclusion of this evidence at trial.

Dated: January 14, 2025
White Plains, New York

SO ORDERED:



JUDITH C. McCARTHY
United States Magistrate Judge